

Assembly Bill No. 2759

CHAPTER 257

An act to amend Section 27644 of the Food and Agricultural Code, relating to eggs.

[Approved by Governor August 3, 1998. Filed with
Secretary of State August 4, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2759, Committee on Agriculture. Eggs.

(1) Under existing law, it is unlawful for an egg handler to sell, offer for sale, or expose for sale eggs (1) that are packed or graded for human consumption that are not accompanied with notice of refrigeration requirements using designated labeling on the consumer container or prescribed signs at the point of sale and (2) that are packed for human consumption that are not labeled with prescribed "sell-by" information on the container and subcontainer and the identification number of the plant of origin. Under existing law, a violation of any of the provisions relating to eggs is a misdemeanor.

This bill would exempt eggs that are packaged for export, including export to other states and territories of the United States, and foreign countries, and eggs that are packaged for military sales from those provisions requiring that eggs that are packed for human consumption be labeled with prescribed "sell-by" information on the container. The bill would require the eggs to also be labeled with the Julian pack date, as defined. The bill would also prohibit reprocessing eggs returned from grocery stores, warehouses, and institutions for retail shell egg sales, thereby imposing a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 27644 of the Food and Agricultural Code is amended to read:

27644. (a) It is unlawful for an egg handler, as defined in Section 27510, to sell, offer for sale, or expose for sale eggs that are packed or

graded for human consumption unless at least one of the following conditions is met:

(1) The consumer container is plainly, legibly, and conspicuously labeled “KEEP REFRIGERATED” or with words of similar meaning.

(2) A conspicuous sign is posted at the point of sale for eggs on bulk display advising consumers that the eggs are to be refrigerated as soon as practical after purchase.

(b) Except as provided in subdivision (c), it is unlawful for an egg handler to sell, offer for sale, or expose for sale eggs that are packed for human consumption unless each container intended for sale to the ultimate consumer is labeled on one outside top, side, or end with all of the following:

(1) (A) The words “Sell-by” immediately followed by the month and day in bold type, for example “June 30” or “6-30.” Common abbreviations of months shall be permitted.

(B) The sell-by date shall not exceed 30 days from the date on which the eggs were packed, excluding the date of packing.

(C) If the eggs are repacked but not regraded, the original sell-by date shall apply.

(2) A Julian pack date. As used in this paragraph, the Julian pack date is the consecutive day of the year on which the eggs were packed.

(3) The identification number of the plant of origin.

(c) Paragraph (1) of subdivision (b) does not apply to eggs that are packaged for export, including export to other states and territories of the United States, and foreign countries, and eggs that are packaged for military sales.

(d) All eggs returned from grocery stores, store warehouses, and institutions shall not be reprocessed for retail shell egg sales.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

